

1970/213



THE MATRIMONIAL PROCEEDINGS RULES 1964,
AMENDMENT NO. 4

ARTHUR PORRITT, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 2nd day of November 1970

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Matrimonial Proceedings Act 1963, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and with the concurrence of the Right Honourable the Chief Justice and at least two of the other members of the Rules Committee constituted under the Judicature Amendment Act 1930 (of whom at least one was a Judge of the Supreme Court), hereby makes the following rules.

R U L E S

1. Title and commencement—(1) These rules may be cited as the Matrimonial Proceedings Rules 1964, Amendment No. 4, and shall be read together with and deemed part of the Matrimonial Proceedings Rules 1964* (hereinafter referred to as the principal rules).

(2) These rules shall come into force on the 1st day of January 1971.

2. Affidavit where party proceeding by guardian *ad litem*—Rule 23 of the principal rules is hereby amended by adding to subclause (1) the following proviso:

“Provided that where the party proceeding by a guardian *ad litem* is of or over the age of 16 years (not being a person of unsound mind), any affidavit by that party shall be made by him personally and not by the guardian *ad litem*.”

P. J. BROOKS,
Clerk of the Executive Council.

*S.R. 1964/181
Amendment No. 1: S.R. 1966/75
Amendment No. 2: S.R. 1967/235
Amendment No. 3: S.R. 1969/180

EXPLANATORY NOTE

This note is not part of the rules, but is intended to indicate their general effect.

These rules provide that where the principal rules require that an affidavit shall be made by a party personally, a party who is an infant proceeding by a guardian *ad litem* must do so if he is of or over the age of 16 years. The guardian *ad litem* is still required to make the affidavit in the case of other parties under disability.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 5 November 1970.

These rules are administered in the Department of Justice.